

**PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
JANUARY 16, 2020**

Members Present: Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member
Council Member Juan Marcano
Mayor Pro Tem Nicole Johnston

Others Present: T. Tobiassen, L. MacKenzie, C. Juul, J. Lutkin, M. Moore, M. Longshore, V. Wilson, C. Amsler, N. Rodgers, J. Schneebeck, M. Chapman, D. Wilson, M. Sears, M. Iovine, H. Glidden, R. Thompson, J. Puscian, K. Claspell, C. Hills, S. Wright, I. Evans, S. Stowell, D. Cooper, W. Lippman, S. McNerny, S. Newman, D. Parker, R. Weber

REVIEW/APPROVAL OF MINUTES

December minutes approved and signed.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

COMMUNITY / POLICING WORKGROUP

Summary of Issue and Discussion

City Attorney Nancy Rodgers and Mayor Pro Tem Johnston presented this proposed resolution for a council-created task force comprised of nine to thirteen voting members populated by citizens of Aurora and staff support including a facilitator. It’s global purpose, as referenced in Section 1, is to inform Council about the status of police and community relations within the City, and to study and make recommendations related to police operations especially in terms of critical incident management, training, transparency, and oversight. Section 2 identifies the specific charge for the first year as the evaluation, discussion and development of recommendations to improve effective and transparent communication between APD and the community, including recommendations for a citizen-involved/citizen-based review of critical incidents, police operations, and police practices and procedures. The Task Force may recommend additional areas to study. City Council may modify, amend, expand, or change the specific charge of the Task Force by resolution. The Task Force should also consist of individuals who must be Aurora residents and, to the extent possible, meet the following criteria: Individuals with direct experience in the criminal justice system; A lawyer with prosecutorial experience; A lawyer with current or recent criminal defense experience; A currently employed police officer; Residents from neighborhoods impacted by APD operations, such as high calls for service areas or high crime areas; Individuals who work with or volunteer with community service providers that traditionally work with individuals involved in the criminal justice system; and Individuals of diverse backgrounds and varying ages. Meetings will be held on a regular and timely basis that shall be determined by the Task Force members. Meetings will include members of the Task Force and staff support for the Task Force, as determined by the City Manager and the City Attorney.

The Task Force Chairperson or a designee shall prepare an agenda and take minutes at each meeting of the Task Force. In addition to input at meetings, the Task Force shall take input from community members and other stakeholders regarding their charge. The Task Force shall submit a final report with their findings and recommendations to the Public Safety, Courts and Civil Service Committee at least sixty (60) days prior to the end of the Task Force's term.

Mayor Pro Tem Johnston explained the proposed resolution is a working document. She hosted a community meeting on December 10, 2019, with the NAACP and community stakeholders. She has been listening to issues from the community about areas they would like to see addressed. She would like community members and organization representatives to be able to address the issues identified. There are on-going discussions with staff to include a multi-day training, much like the Citizen's Police Academy, to the selected participants. The timeline goal for this resolution is to present at the January 27 Special Study Session, present to full council on February 3, and select Task Force members by February 24.

CM Lawson referenced Section 4a stating that she believes representation from both the Aurora Public Schools and Cherry Creek Schools should be included rather than just one or the other because each district has unique issues. MPT Johnston said she did like the idea of each school district having representation. DCM Jason Batchelor noted the significance of the time commitment and he would relay back to council the willingness and availability of each organization's participation. MPT Johnston noted that even if someone is not formally on the Task Force there would still be opportunities to provide input through outreach meetings or public comment to be heard.

CM Gardner referenced the sentence in the proposed resolutions that states the Task Force may recommend additional areas to study. He would like to know what that process would look like and how it would work in practice since the Task Force are not elected and are not policy makers. MPT Johnston confirmed the Task Force is advisory and will be tasked with making recommendations noting it would be Council that will make the final decisions. CM Gardner noted that the prior version had specific areas of study identified and the new version is now more general. MPT Johnston confirmed that this was intentional, and the intent is to improve transparent communication and have citizen-involved/citizen-based review and that the Task Force make recommendations as to how the desired outcome can be achieved. The new language gives the stakeholders a little more room rather than having it be specifically defined. CM Gardner noted the way the resolution reads, this Task Force will basically create what will eventually become an Independent Review Board. MPT Johnston noted that it could and explained that she has done a lot of research on independent review boards and would like to pursue an independent entity but is hesitant to call it a board or monitor or what it may look like. She would like Aurora to have something different from other cities, so she specifically didn't use the terms or definitions for that reason.

CM Hiltz referenced Section 4b and asked how high crime neighborhoods would be defined noting that the definition would depend on the metric used. She added District 3 has had an increase in crime, District 1 has had a decrease in crime rates, and certain wards have recently had an increase in violent crime. The area representation could change based on the definition. She likes the organization representation because of the wide coverage but would like to know what the term 'impacted' means. MPT Johnston explained that it was included as a courtesy because it was brought up at the study session and they have worded the citizens categories to be followed "to the extent possible". She is open to feedback from the policy committee if it should be changed or removed entirely. CM Lawson thinks there should be representation from all the wards because each ward is affected by crime. CM Hiltz noted that perhaps the intent is making sure there is adequate representation from communities of color and the black community specifically. She does believe there should be representation city-wide to address the different issues and there should be an effort to find a balance. CM Gardner noted the bullet point citing individuals of diverse backgrounds covers that definition, adding that diversity can be a lot of different things. CM Hiltz suggests defining what diverse

background means. MPT Johnston intentionally didn't include representation from each ward but is open to suggestions. The recommendation is to have no more than 13 members and ideally have only 11. There could be up to seven organizations represented as well. CM Lawson suggests subcommittees be instituted. DCM Batchelor suggests the committee members do the outreach and provide meetings in each ward. CM Hiltz noted that it would be incumbent on the council members to reach out to their wards and encourage attendance to ensure representation from each ward and police district. CM Gardner would like to have the Task Force meeting minutes sent to the committee or council to keep everyone apprised of the progress. CM Hiltz supports the minutes being sent to full council.

Referring to Section 4a, CM Gardner states he understands the value of having someone involved who works with felons or those trying to re-enter society. However, he hesitates including a felon. He adds, it could cause morale issues with the rank and file because of the perception of the Task Force making policy. Many of the boards and commissions have a requirement that members must be a registered elector. In some cases, this would preclude someone with certain types of criminal history. CM Hiltz disagrees; there are some members who have been system involved and we live in a society where people are supposed to do their time and move on. If we as a city are going to exclude people and basically re-criminalize someone for something they've already done the time for, that's not something she wants to project to the city. MPT Johnston added that there are many areas in the resolution that she is flexible but this area she is not. It's important to leave this as it is. The Task Force is limited to making recommendations and council will vote on the policy changes. CM Marcano noted that the framing was antagonistic and part of the purpose of having this body is to have the hard discussions with some discomfort but that would be the way best solutions are brought forward. He agrees with keeping it as worded.

CM Hiltz asked if this will include reviewing the current IRB and options for possible overhaul or structure change. MPT Johnston confirmed that it would. CM Hiltz clarified this Task Force would not be used for discipline issues but rather high-profile incidents. However, some concerns she's heard from stakeholders is that the Task Force would take away the final authority from the Chief of Police. MPT Johnston explained that the intent is not to change the chief's authority but it's important to understand processes. She's not the expert on that topic and is not addressing the chief's authority with this resolution. CM Gardner would like the change under Section 2 clarified, asking if it is the intention that the Task Force review specific incidents stating that he reads the resolution as written, that the Task Force will make recommendations for policy about how the city will address critical incidents. However, the previous discussion sounded like the Task Force would review high-profile incidents leading him to believe this is more of citizen's review board rather than a task force. MPT Johnston clarified the Task Force will not look at any specific cases at all. They will look at processes and how discipline works but the facilitator will keep the discussions on task and not focused on specific incidents, but the Task Force may make recommendations on how high-profile cases are reviewed. CM Lawson asked if the chief would be included in the review of the recommendations. MPT Johnston confirmed this would happen. DCM Batchelor added there has been discussion about subject matter experts, to include the chief, because the chief is responsible for discipline decisions and implementing the process. This is identified in Section 7 of the resolution and will be made clear.

CM Hiltz recommends moving the resolution forward with the adopted changes discussed in this meeting.

Outcome

Approved to move forward to Study Session.

Follow-up Action

Add sentence to page 1 making it clear that the purpose of the Task Force does not include a review analysis or recommendations of any one incident. Page 2, changing the word or to and in reference to the school districts. Fixing the indent on Section 6. Section 7, City Manager will provide staff support of the Task Force

to include regular and active involvement from APD and the Chief of Police. Section 8 will include verbiage on rotating meetings through the wards and that minutes will be sent to council.

CHIEF PUBLIC DEFENDER INTRODUCTION

Summary of Issue and Discussion

Chief Public Defender Doug Wilson introduced himself to the committee. He was public defender for a total of 30 years, 12 of those were as a state public defender before he retired.

Outcome

Information Only.

Follow-up Action

None.

INTERIM POLICE CHIEF OF POLICE INTRODUCTION

Summary of Issue and Discussion

Interim Chief Vanessa Wilson introduced herself to the committee. She was formally the Metro Division Chief prior to filling the role of Interim Chief during the recruitment process. She has 24 years with the Aurora Police Department.

Outcome

Information Only.

Follow-up Action

None.

CHIEF OF POLICE RECRUITMENT UPDATE

Summary of Issue and Discussion

Deputy City Manager Jason Batchelor updated the committee on the police chief recruitment. The city has contracted Bob Murray and Associates to lead the city in the national search. Regan Williams will be the lead from the firm and has experience specifically looking for police chiefs in major cities across the country.

The first step will be to create the profile; traits, characteristics, experience, and qualities to search for. To facilitate that, a series of meetings with key stakeholders has taken place over the last couple days, including members of the community. A brochure will be created and shared with council at the end of the month. Recruitment will then take place in February and March. Staff will work with the recruiter to narrow the list down to a group of finalists. There will be a robust process with the finalists to include community and key stakeholder input. Per Charter, the City Manager can make a recommendation for hire and the selected applicant must be confirmed by Council. Staff expects the finalist interviews to occur around the end of April or beginning of May. The formal confirmation process should also take place in May. The timeline is subject to change, but that is the current schedule. Staff looks forward to a robust process to include internal applicants as well as applicants from around the nation.

Outcome

Information only.

Follow-up Action

None.

RESOLUTION SUPPORTING APD'S POLICY OF NON-ENFORCEMENT OF IMMIGRATION STATUSSummary of Issue and Discussion

City Attorney Nancy Rodgers and Councilmember Hiltz presented this proposed resolution to the committee. As far back as previous Chief Dan Oates, the police department has had a policy of non-enforcement of federal immigration laws. The policy is found under Directive 6.8.11. APD does not have the lawful authority to enforce federal immigration laws, by law or by agreement under 287G. From a practical point, the police department does not enforce immigration laws because it could interfere with public safety investigations, witness contact, helping fight crime and reduce the fear of crime. This proposed resolution lays out the support of the APD's position which is that the city strives to make Aurora safe and welcoming for everyone.

CM Hiltz brought this forward because the dynamic of the country is different than it was five years ago and there is more fear in the community now than when Chief Metz was hired. She has heard from multiple community leaders about concerns that a new police chief might come in and change this policy, which would be their prerogative. Council has not weighed in on this topic before, but this proposal is very narrowly focused on the current policy. She has spoken with the Aurora Police Association (APA) and Fraternal Order of Police (FOP) who say they support the resolution. Because this is a public safety issues she has also worked with the ACLU and a few other organizations. City Manager Twombly expressed his support at the most recent AKCRT meeting. Council can't require the next police chief to continue with the policy, but they can send a message to the community that this is something that they support and value. Immigration can be highly politicized but given the wide-swath of support from various groups CM Hiltz hopes the focus can remain on the public safety aspect.

CM Gardner asked the city attorney to explain the reason why immigration status is not enforced. CA Rodgers explained that immigration is a federal crime, much like obligations to file tax returns, and set forth in US Code. The State of Colorado and the City of Aurora do not have an immigration law. APD can only enforce laws within their jurisdiction and they do not have jurisdiction over federal laws. CM Gardner asked how a chief could change the policy on enforcement of immigration status. CA Rodgers explained enforcement could not be ordered without a 287G, which would be a partnership or intergovernmental agreement with Department of Homeland Security or ICE. APD officers would have to be deputized federally to enforce immigration laws. CM Gardner asked when the current policy was put into place. Staff didn't have that information on hand but would get it to CM Gardner. CM Hiltz added there is an increase in 287G's across the nation. CM Gardner clarified that this policy was in place prior to Chief Metz being hired in 2015 and feels that there is a political element because council didn't feel the need to establish or support this policy before. APD and other city departments have many policies that council doesn't write resolutions to support, and for that reason he is not in favor of the resolution. He is not against the policy, he is against picking one policy out of the many. CM Hiltz noted the question for the committee was to move it forward to study session for council to have a conversation about it. She believes the difference is the environment of fear today is different than it was in 2015 and council has a responsibility to weigh in and send a message to the community that this is something they value. CM Lawson noted that she believes the section referencing the protection of all community members, including immigrants and refugees removes the politics because it's referencing the general community.

Outcome

Approved to move forward to Study Session.

Follow-up Action

None.

2020 COMMITTEE WORKPLANSummary of Issue and Discussion

Deputy City Manager Jason Batchelor explained this is an opportunity for the committee and staff to discuss what they would like to have on the agenda throughout the year.

CM Hiltz noted that February items would include an overview of crime statistics and a presentation from the Metro Gangs Task Force. She would like more time than usual allotted for each item. March items include an update from the Community Corrections Board. Other than that, there are just regular yearly updates throughout the year. CM Lawson would like an overview of the APD's whistleblower policy. CM Gardner requested a presentation from Aurora for Youth at the same time as the Metro Gang Task Force presentation. He would like to see a presentation of the effects and funding of the Crisis Response Team (CRT). CM Hiltz will send the minutes from the October presentation as there was a lot of good budget and grant information included in that presentation. He would also like to have a presentation on how to involve police and fire in their hiring process through the Civil Service Commission. He had asked for some case law around that topic and hopes to address retention issues by involving them in the process. CA Rodgers clarified that the DOJ sent a letter and not an order because it didn't rise to the level of a formal investigation. She would be providing the case law. CM Hiltz added that this was discussed at the December PR+ meeting and any changes would require a charter change. CM Lawson would like a presentation on community policing to include future initiatives, effectiveness, suggested improvements, and if APD wants to continue with it. CM Hiltz noted the staffing study and recommendations made previously included establishing a target. DCM Batchelor will research the study and determine how best to bring it forward for discussion. CM Hiltz would like to hear from AFR regarding ISO and an annual station facilities update. Dr. DeBoyes will be working with Judge Day and the Chief Prosecutor on the CAFFE process. There will be a final presentation in February. She also wants to evaluate detox protocol, and mental health issues affecting the court and the jail. Chief Public Defender Wilson will be addressing competency issues, pushing for an assessment of the Public Defender office to determine where they are and where they need to be and ideas about how to get there. Presiding Judge Day noted competency and mental health issues that he would like to have assessed and presented to the committee. He added that the legislative session is on-going, and he would like to be proactive by establishing best practices and applying them to municipal court processes, including pre-trial services. City Attorney Julie Heckman added that they are working to get the electronic case filing system up and running. Chief Wilson explained that the Body-Worn camera system is phasing out. APD is moving forward with searching for new technology and the top two systems would likely be presented to the committee. She added that juvenile crime is up, and she plans to work with YAASPA and NAACP to establish and nurture partnerships with the youth. CM Hiltz added that another group to reach out to is the Aurora Youth Commission. Other presentations would include the Domestic Violence Unit and Wellness/Peer Support Unit. Chief Gray noted that AFR would be providing updates on stations, ISO, fireworks, Specialty Teams/Resources, Community Engagement efforts, short-term, mid-range, and long-term recruiting strategies, and emergency management preparedness that needs to go through governance.

Outcome

Information only.

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

CM Hiltz announced that Station 5 Grand Opening is scheduled for January 24 at 2pm and the Changing Lives Through Literature graduation on January 22. Chief Gray added that on January 18 an additional engine company would be added to Station 13 to service SE Aurora.

NEXT MEETING AGENDA ITEMS

The meeting adjourned at 12:20pm.

APPROVED: _____

Allison Hiltz, Chair

A handwritten signature in black ink, appearing to read 'Allison Hiltz', is written over a horizontal line. The signature is stylized and includes a long, sweeping flourish that extends to the right.